

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Adel Hussein Khedr	:	
Agency A# 75-283-807	:	
A# 75-814-026	:	
Petitioner,	:	Civil Action No. 05-5729(WJM)
	:	
v.	:	EMERGENCY TRANSFER ORDER
	:	
Alberto Gonzales, et al.,	:	
	:	
Respondents.	:	

This matter having come before this Court on the Petition of Adel Hussein Khedr (Agency A# 75-283-807) (Agency A# 75-814-026) for a writ of habeas corpus pursuant to 28 U.S.C. § 2241; and the Petition having been filed after May 11, 2005, the effective date of the REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231 (May 11, 2005); and the Court having reviewed the said Petition,

And it appearing that:

1. The Petition challenges a final administrative order of removal. The immigration judge completed the proceedings at the United States Department of Justice, Executive Office for Immigration Review, Immigration Court, 625 Evans Street, Room 148A, Elizabeth, New Jersey, 07201, on September 30, 2005.

2. This matter appears emergent because it seeks review of an order of removal.

3. Pursuant to Section 106(a)(5) of the REAL ID Act of 2005,

Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of an order of removal entered or issued under any provision of this Act, except as provided in subsection (e) [relating to orders issued under 8 U.S.C. § 1225(b)(1)].

Pursuant to 28 U.S.C. § 1631,

Whenever a civil action is filed in a court ... and that court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal could have been brought at the time it was filed or noticed, and the action or appeal shall proceed as if it had been filed in or noticed for the court to which it is transferred on the date upon which it was actually filed in or noticed for the court from which it is transferred.

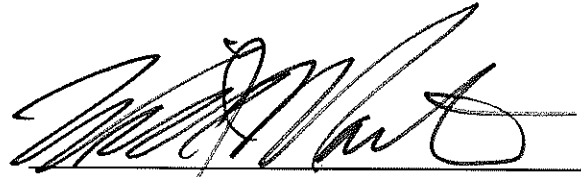
The applicable venue provision, 8 U.S.C. § 1252(b)(2), provides that a "petition for review shall be filed with the court of appeals for the judicial circuit in which the immigration judge completed the proceedings."

4. It appears to be in the interest of justice to transfer this action to the U.S. Court of Appeals for the Third Circuit.

It is, therefore, on this 6th day of February, 2006,

ORDERED that this action is hereby transferred to the United States Court of Appeals for the Third Circuit; and it is further

ORDERED that the Clerk of the Court shall effectuate the transfer on an expedited basis pursuant to 28 U.S.C. §§ 1406(a) and 1631, shall serve a copy of this Order upon Petitioner, and shall serve a copy of this Order and all other documents filed in this action on Respondents and on the United States Attorney for the District of New Jersey, and shall close the file.



Hon. William J. Martini
United States District Judge